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REMARKS

Claims 1 and 3 have been cancelled, and Claim 2 has been rewritten to more definitely set forth the invention and obviate the rejection. Support for new claims 4 and 5 can be found in original claim 2, and in the Specification from page 4, last paragraph through page 6. The present amendment is deemed not to introduce new matter. Claims 2 and 4-5 are now in the application.

Reconsideration is respectfully requested of the objection of Claims 2 and 3.

Claim 3 has been cancelled. Claim 2 has been amended herein, and no longer includes Formula (7). However, the Specification has been amended to correct Figure 7 therein. Further, claim 2 has been amended to no longer contain the objectionable term "said". In addition, claim 3 has been amended herein, and no longer contains improper periods.

In view of the amendments to claim 2 herein, it is believed that the objection is now moot. Withdrawal of the objection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of claim 2 under 35 U.S.C. 112, second paragraph, as being indefinite since it lacks any respective relationship between formulas (2), (3), and (4) with formulas (5), (6), and (7).

Claim 2 has been extensively amended herein to now be directed only to the polysiloxane defined by general formula (5), as well as general formulas (1) and (2), from which general formula (5) is derived. In addition, new claims 4 and 5 have been added herein, which are directed to general formulas (6) and (7), respectively.

It is believed that the amendments made to claim 2 herein render the instant rejection

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moot, as claim 2 no longer contains formulas (3), (4), (6), or (7), and now properly defines the relationship between formula (5) with formulas (1) and (2). Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of claim 2 under 35 U.S.C. 103(a), as being unpatentable over Yamada, et al. (*Macromolecules* **1995**, 28, 2590-2591) in view of either Lewis, et al. (USP 6,828,029) or Koontz (US_ 5,369,012).

The cited Yamada, et al. reference is concerned with the synthesis of organopolysiloxanes having a phospholipid-like structure. As pointed out by the Examiner in the rejection of claim 2 of the instant Office Action, Yamada, et al. do disclose the phosphorylcholine group represented by general formula 1. However, contrary to the Examiners' assertion, it is believed that Yamada, et al. do NOT teach the polysiloxane having repeating units defined by general formula (5) in Scheme 1 or in any other section of Yamada, et al.

In particular, as shown in the fourth and sixth reactions, from top to bottom, of the reaction scheme referred to by Yamada, et al. as "Scheme 1", the phosphorylcholine group is bonded to a methyl group of the polysiloxane, at various positions on the repeating unit. In contrast, in the present invention as claimed in now amended claim 2, the phosphorylcholine group defined by general formula (1) is reacted with the some or all of the **amino groups** of the repeating units of the polysiloxane. This fact was recognized by the Examiner on page 4, first paragraph, wherein in the Examiner noted that Yamada, et al. fail to teach "the presence of an amino spacer".

As stated in the Specification, "[t]he polysiloxane of the present invention is a

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polysiloxane wherein the phosphorylcholine group represented by formula (1) is added to all or part of amino groups" (Specification, page 13, lines 19-22) of the general formulas (2), (3) and (4), to produce a "polysiloxane containing a desired amount of phosphorylcholine groups in the hydrophilic portion" (Specification, page 17, lines 3-5). "The functionality of the polysiloxane can be freely designed by adjusting the type and content of the hydrophilic portion" (Specification, page 18, lines 16-18).

Further, it is believed that, contrary to the Examiners' assertions, neither Example 7 of Lewis, et al. nor Example 4 of Koontz, et al. teach polysiloxanes containing phosphorylcholine groups, wherein the phosphorylcholine groups are bonded to the polysiloxane via the amino group thereof. Rather, like Yamada, et al. the Lewis, et al. and the Koontz, et al. references only teach reaction of the phosphorylcholine group with a methyl group of the polysiloxane. Thus, it is believed that there is no teaching or suggestion in the base Yamada, et al. reference, secondary Lewis, et al. reference, or the secondary Koontz, et al. reference of a polysiloxane having amino-modified phosphorylcholine groups bonded to one or more *amino* side groups thereof, as claimed herein:

As illustrated in Table 1 (Specification, page 24) and Table 2 (Specification, page 26), the present inventors discovered that adding the claimed amino-modified polysiloxanes having phosphorylcholine groups bonded to the amino groups thereof of the present invention provide unexpectedly improved skin softening effects, moisture retention effects, and transdermal absorption accelerating effects. Moreover, in addition to cosmetics, the claimed polysiloxane herein has high biocompatibility, and thus may be easily blended into many products, such as

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artificial organs, biomembranes, coating agents for medical tools, and drug delivery compositions and systems (see Specification, page 26, lines 13-16).

Further, as recognized by the Examiner in the first paragraph on page 4 of the instant Office Action, Yamada, et al. fail to teach that the "n" value is equal to 1-22. Thus, it is believed that the none of the three cited references discloses the now claimed polysiloxane, wherein the polysiloxane has amino groups bonded thereto, and then phosphorylcholine groups are reacted with the amino groups, so as to bond the phosphorylcholine to the polysiloxane via the amino group.

In view of the amendments to claim 2 made herein, as well as the deficiencies of the three cited references pointed out above, it is believed that the Examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

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Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this Amendment in Docket No. TOS-162-USA-PCT, Serial No. 10/534,399, filed May 10, 2005, is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on August 23, 2007.

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